



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 2, 1998

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-0006

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 111406.

The City of Houston received a request for a copy of incident report #151552396. You claim that portions of the requested report are excepted from disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the offense report.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to provide in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

....

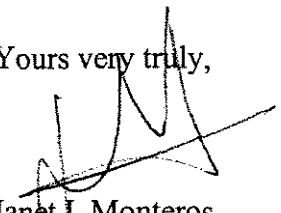
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You assert that the requested offense report contained in Exhibit 2 should be withheld.

We have determined that, unless information relating to a criminal investigation or prosecution *concluded in a result* other than a conviction or deferred adjudication, it may not be withheld under section 552.108(a)(2). You inform this office that the "requested records have not resulted in a final conviction or a deferred adjudication." Additionally, you state "the incident report indicates, charges against the suspect were rejected so the investigation has not resulted in a conviction or deferred adjudication for the crime that was investigated in this offense report." You have also marked the pertinent language in the records which demonstrate this conclusion. Consequently, we find that you have shown the applicability of section 552.108(a)(2) to the requested information. However, you must release the type of information that is considered to be front page offense report information. *See generally* Act of June 1, 1997, H.B. 951, § 1, 75th Leg., R.S. (to be codified at Gov't Code § 552.108(c)); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 111406

Enclosures: Submitted documents

cc: Mr. Dennis Minetos
10720 S. Post Oak Road
Houston, Texas 77035
(w/o enclosures)